

¹ The Magistrate Judge also denied Holliday's motion to appoint counsel. (ECF Nos. 7, 13.)

facilitator at Bethel. Holliday alleges that she criticized Drown for unprofessionalism in an email and told Drown she would report her to Academic Affairs, after which Drown falsely accused Holliday of plagiarism. The administrator Defendants conducted an investigation, and Holliday eventually was expelled from Bethel. Holliday claims she was treated vindictively and unfairly and alleges she was expelled in retaliation for her reporting Drown to Academic Affairs. She also alleges she was not given sufficient due process prior to the expulsion from Bethel. Holliday asserts that several other schools to which she has since applied have denied her admission because of the expulsion.

In the R&R, Magistrate Judge York determined the complaint is subject to dismissal in its entirety. He found that Holliday's complaint fails to state a claim under 42 U.S.C. § 1983 because she has failed to assert that the Defendants, private individuals employed by a private university, were acting under color of state law. The Court finds no error in that conclusion. Accordingly, the R&R is ADOPTED, and this case is DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim on which relief may be granted.

It is CERTIFIED, pursuant to Federal Rule of Appellate Procedure 24(a), that any appeal in this matter by Holliday would not be taken in good faith. Leave to appeal *in forma pauperis* is, therefore, DENIED. If Holliday files a notice of appeal, she must pay the full \$505 appellate filing fee to the District Court Clerk or file a motion for leave to appeal *in forma pauperis* and supporting affidavit in the Sixth Circuit Court of Appeals.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE